

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: May 18, 2005

Division: Growth Management

Bulk Item: Yes      No X

Department: Planning & Env. Resources

Staff Contact Person: K. Marlene Conaway

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**AGENDA ITEM WORDING:** Public hearing to consider an Interim Development Ordinance for the Tavernier Historic District Overlay deferring the acceptance of development applications until design standards and guidelines are adopted and expiring within six months after the effective date of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 or the adoption of design standards and guidelines, whichever comes first.

(The first of two public hearings)

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**ITEM BACKGROUND:** The Board of County Commissioners (BOCC) adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 (Master Plan). The Master Plan, in Action Item 4.3.6 directs the County to enact a temporary moratorium to defer acceptance of development applications that seek development approval for all new development, exterior remodeling or redevelopment located within the Tavernier Historic District Overlay that meet the threshold for design review for six months after the effective date of the Master Plan or when the guidelines become effective or whichever comes first. On January 16, 2005, the BOCC contracted with HDR consultants to develop design standards and design guidelines for all new development, exterior remodeling or redevelopment within the subject area.

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**PREVIOUS RELEVANT BOCC ACTION:** The BOCC adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 at their meeting of February 16, 2005.

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** N/A

**BUDGETED:** Yes N/A No     

**COST TO COUNTY:**                     

**SOURCE OF FUNDS:**                     

**REVENUE PRODUCING:** Yes X No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**                       
(Timothy J. McGarry, AICP)

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**                     

**AGENDA ITEM #**

**INTERIM DEVELOPMENT ORDINANCE  
TAVERNIER HISTORIC DISTRICT OVERLAY**

**BOARD OF COUNTY COMMISSIONERS  
KEY LARGO  
May 18, 2005**

## **INTERIM DEVELOPMENT ORDINANCE**

**A REQUEST BY MONROE COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL RESOURCES TO ADOPT AN INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST.**

STAFF:	<b>Approval</b>	March 24, 2005	
DRC:	<b>Approval</b>	March 24, 2005	Resolution # D6-05
PC:	<b>Approval</b>	April 27, 2004	Resolution # P16-05

## **DRAFT BOCC ORDINANCE**

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST.**

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**WHEREAS**, the Board of County Commissioners at their meeting of February 16, 2005, adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan (referred to hereafter as the 2010 Plan); and

**WHEREAS**, the 2010 Comprehensive Plan, Goal 101 requires Monroe County to manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources [9J-5.006(3)(b)1]; and

**WHEREAS**, the 2010 Plan Objective 101.20 identifies the Livable CommuniKeys Planning Program as a planning program designed to address community needs while balancing the needs of all of Monroe County; and

**WHEREAS**, The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) is the product of the Livable CommuniKeys program as outlined in the 2010 Plan Objective 101.20; and

**WHEREAS**, the Tavernier Historic Overlay District is a unique historic resource as identified in the Master Plan; and

**WHEREAS**, GAI consultants completed an architectural survey of all unincorporated areas of Monroe County and completed an evaluation of sites and structures for designation in the National Register of Historic Places and or Monroe County Landmarks; and

**WHEREAS**, the survey identified fifty-three properties within the Tavernier Historic District as being eligible for national historic designation, eight of the identified properties are designated as Monroe county landmarks and seventeen are listed as Monroe County Historic Landmarks; and

**WHEREAS**, GAI consultants recommended that Tavernier be nominated as a district on the National Register of Historic Places; and

**WHEREAS**, each individual historic site and or structure is important and together they contribute to making the Tavernier Historic District Overlay a significant county resource; and

**WHEREAS**, Action Item 4.3.5 in the adopted Master Plan requires that design standards be prepared and that any new development or redevelopment within the designated Tavernier Historic District Overlay be consistent with design standards and in compliance with regulatory controls; and

**WHEREAS**, historic architecture design standards and design guidelines for historic structures, contributing structures and non-contributing structures all together can support, enhance and preserve the character of the historic district; and

**WHEREAS**, Action Item 4.3.6 in the adopted Master Plan directs the County to enact a temporary moratorium on development within the Tavernier Historic District Overlay until the design standards are adopted or six months after the effective date of the Master Plan, whichever comes first; and

**WHEREAS**, the County has committed necessary staff and resources to the development of the historic district design standards in order to facilitate diligent and good faith efforts to establish policies and regulations within a reasonable period of time; and

**WHEREAS**, the Board of County Commissioners, in anticipation of the adoption of the Master Plan, voted to Contract with HDR Consultants to prepare the historic district design standards and implementation measures including Land Development Regulations at their meeting of January 19, 2005; and

**WHEREAS**, the utilization of the moratorium device as a temporary measure to facilitate government decision making, study and adoption of land development regulations is a legitimate governmental tool to facilitate logical and considered growth and as a means of avoiding inefficient and ill-conceived development; and,

**WHEREAS**, the County finds that it is necessary to enact an Interim Development Ordinance deferring the approval of development applications within the designated Tavernier Historic District Overlay so the County can prepare design guidelines; and,

**WHEREAS**, the purpose this Interim Development Ordinance provides mechanisms to assure democratic discussions and participation by citizens, developers, and property owners who may be affected by eventual amendments to the Land Development Regulations; and

**WHEREAS**, Chapter 125 F.S., authorizes the Board of County Commissioners to adopt ordinances to provide standards protecting against imminent and immediate threat to the health, safety, and welfare of the citizens of Monroe County; and

**WHEREAS**, this Interim Ordinance constitutes a valid exercise of the County's police power and is otherwise consistent with Section 163.3161, *et seq.*, F.S., which, *inter alia*, encourages the use of innovative land development regulations including provisions like moratoria to implement the adopted comprehensive plan; and

**WHEREAS**, following the direction of the Board of County Commissioners in the adopted Tavernier Creek to MM 97 Master Plan, the Growth Management Division staff immediately undertook the development of this Interim Development Ordinance and began working with the consultants HDR, Inc on development of historic design standards for the Tavernier Historic Overlay District; and

**WHEREAS**, the Planning Commission has reviewed the draft Interim Development Ordinance and recommended approval to the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners has reviewed and considered the draft Interim Development Ordinance recommended by the Planning Commission and Planning staff.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

**Section 1.** Pursuant to the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 adopted by the Board of County Commissioners on February 16, 2005, the Interim Development Ordinance shall apply to the Tavernier Historic Overlay District, the boundaries of which are described on the map, attached hereto as Exhibit 1, and hereby is made part of this ordinance.

**Section 2.** Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation within six months of the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 or whenever the land development regulations and design standards and guidelines become effective, whichever comes first.

**Section 3:** During the period that this interim ordinance is in effect, no application for a building permit or development approval shall be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

**Section 4:** The following are exempt from this ordinance:

1. Interior remodeling.
2. The Director of Planning may authorize the relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
3. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements.
4. Public buildings as defined in Section 9.5-4 (P-18) of the Code, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

**Section 5:** Until expiration of the Interim Development Ordinance created by Sections 1, 2 and 3 hereof, no application for a building permit or development approval shall be granted pursuant to an application or request with a submittal date of April 1, 2005, or later.

**Section 6:** Any application for a building permit or development approval with a submittal date of March 31, 2005 or earlier shall be exempt from this Interim Development Ordinance.

**Section 7:** As of the effective date of the this ordinance, no application for a building permit or development approval meeting the criteria in Section 3 hereof, shall be accepted or processed by the Growth Management Division, except applications exempt hereunder and development awarded a vested rights determination pursuant to Section 9 hereof.

**Section 8:** This Ordinance shall not be construed to prohibit application for, or the issuance of a building permit or development approval for any development or redevelopment that is not identified in Section 3 hereof and that is allowed pursuant to the Monroe County Land Development Regulations and the 2010 Plan.

**Section 9:** Any property owner adversely affected by the provisions of this Interim Development Ordinance may seek a determination that the owner's proposed development or redevelopment is vested against the provisions of this Interim Development Ordinance, by filing with the Director of Growth Management, together with an administrative fee in the amount of \$400, a vested rights application setting forth facts establishing the applicant met, prior to the date that this Ordinance is adopted by the Board of Monroe County Commissioners, the vested rights standards set forth in Section 9.5-181, Monroe County code. Such application must be filed no later than sixty (60) days after the effective date of this ordinance.

**Section 10:** The County Administrator is directed to have the Growth Management Division begin immediately preparing the draft text amendments and other supporting studies in cooperation with the Planning Commission to develop design standards and regulatory controls for development, remodeling or redevelopment within the designated Tavernier Historic District.

**Section 11:** In preparing these amendments, the County Administrator is directed to focus the Growth Management Division's efforts in the following important areas: 1) preparation of design standards and regulatory controls to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys and that address local community needs while balancing the needs of all Monroe County Communities; 2) identification of regulatory amendments and strategies to ensure that the goals and objectives of the 2010 Plan and the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 are properly implemented.



**Section 12:** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 13:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 14:** The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes and the DCA is requested to review and approve it by immediate Final Order. S.120.569(2)(n), F.S.

**Section 15:** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

**Section 16:** This Ordinance shall stand repealed as of the adoption of design standards and design guidelines for the Tavernier Creek Historic district, or six months after the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97, whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

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**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____
Commissioner Murray Nelson	_____

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Dixie Spehar

(SEAL)

ATTEST: DANNY L. KOHAGE, CLERK



\_\_\_\_\_  
Deputy Clerk

ATTACHED – TAVERNIER HISTORIC DISTRICT MAP



Livable CommuniKeys Program

Tavernier Creek to Mile Marker 97

Tavernier Historic District

# Exhibit 1

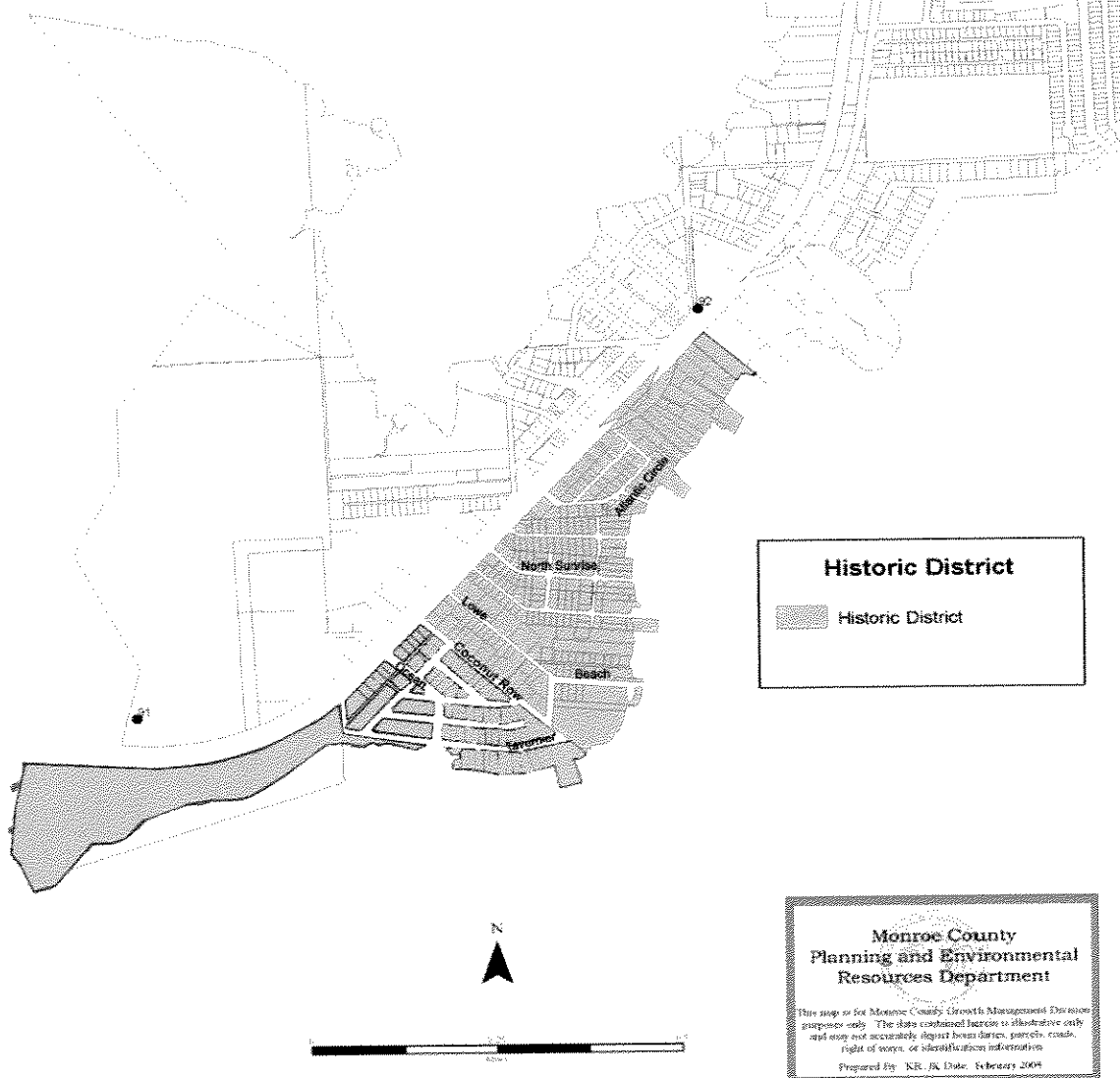
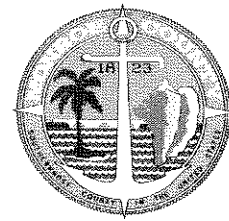


Figure 3.1 Historic overlay district.

## **BOCC STAFF REPORT**



# MEMORANDUM

TO: Monroe County Board of County Commissioners  
FROM: David A. Dacquisto AICP, Director, Island Planning Team  
DATE: April 26, 2005  
RE: Interim Development Ordinance for the Tavernier Historic District Overlay

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## **Summary**

The Board of County Commissioners (BOCC) at their meeting of February 16, 2005 adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 (Master Plan).

Action Item 4.3.5 of the Master Plan stated that any new development, remodeling or redevelopment within the Tavernier Historic District Overlay would be required to be consistent with design standards and regulatory controls established pursuant to Strategy 4.1. Strategy 4.1 of the Master Plan outlines a strategy to protect the future integrity of Tavernier's Historic District by adopting ordinances that clearly define the boundaries of the district, commit to preserving the historic qualities of the district and provide guidelines for all future development activities in the district.

Action Item 4.3.6 of the Master Plan provided for an Interim Development Ordinance (IDO) on all development meeting the threshold for design review and approval as identified in Action Item 4.3.5.

Upon adoption of the Master Plan, the Growth Management staff prepared an IDO to defer acceptance of development applications that seek development approval for all new development, exterior remodeling or redevelopment located within the Tavernier Historic District Overlay that meet the threshold for design review. In anticipation of adoption of the Master Plan and to minimize the term of the IDO, the BOCC on January 16, 2005 contracted with HDR consultants to develop design standards and design guidelines for all new development, exterior remodeling or redevelopment and to write the implementation language including required amendments to Monroe County Code.

The IDO will remain in effect until design standards and design guidelines for the Tavernier Historic District are adopted or six months after the effective date of the Master Plan, whichever comes first.

Applications received with a submittal date of March 31, 2005 or earlier will be exempt from this ordinance. Applications received after that date will not be processed and no applications will be accepted after the effective date of the ordinance pursuant to the "Pending Ordinance Doctrine".

## **Background**

### Interim Development Ordinance

The Tavernier Creek to Mile Marker 97 Livable CommuniKeys Master Plan identified the need to develop design standards and design guidelines for the Tavernier Historic District.

Action Item 4.3.5 required that any new development, remodeling or redevelopment approved within the Tavernier Historic District (Figure 3.1), is consistent with design standards and in compliance with regulatory controls established pursuant to Strategy 4.1.

Action Item 4.3.5 provided for an IDO to defer development, exterior remodeling and redevelopment within the Tavernier Historic Overlay District (Figure 3.1) until design controls for the Tavernier Historic Overlay District are adopted or six months after the effective date of this Master Plan, whichever comes first.

The IDO defers new development, exterior remodeling or redevelopment to prevent development, exterior remodeling or redevelopment that would not be consistent with the design standards and design guidelines that will be developed and that would not be consistent with the vision, historic and architectural model for the area.

The boundaries of the IDO are identified in Section 1 of the IDO and on the attached map Exhibit 1.

Section 3 of the IDO sets out the development restrictions that will remain in effect for the duration of the IDO. No building permit or development approval will be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

There are four exceptions to the development restrictions identified in the IDO. Section 4 of the IDO lists exceptions for interior remodeling, the relocation of certain historic structures and development under an approved conditional use permit, repair and/or approvals required for life/safety improvements:

1. Interior remodeling.
2. The relocation of historic structures designated by Monroe County or identified by “The Final Report Historic Architectural Survey of unincorporated Areas of Monroe County Florida (2003)” prepared by GAI Consultants Inc.
3. The relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
4. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements.

An exception that is currently proposed in the IDO for the U.S. 1 Highway corridor Tavernier Creek to Mile Marker 97 and Community Center allows public buildings to proceed subject to review and approval of the building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants. It is recommended that the following language be included in Section 4 of the IDO to add a fifth exception for public buildings to the development restrictions identified in the IDO:

5. Public buildings as defined in Section 9.5-4 (P-18) of the Code, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

The IDO refers to the Monroe County Code Section 9.5-181 Determination of vested rights as the process for property owners to seek a determination that the owner's proposal is vested against the provisions of the IDO and can proceed.

#### Planning Commission Action

The Monroe County Planning Commission at their meeting of April 27, 2005 recommended approval of the Interim Development Ordinance with the modifications as stated below:

**Section 3:** During the period that this interim ordinance is in effect, no application for a building permit or development approval shall be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

**Section 4:** The following are exempt from this ordinance:

- ~~2. The relocation of historic structures designated by Monroe County or identified by "The Final report Historic Architectural Survey of unincorporated Areas of Monroe County (20030" prepared by GAI Consultants Inc.~~
- 3 2. The Director of Planning may authorize the relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
- 4 3. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements
- 5 4. Public buildings as defined in Section 9.5-4 (P-18) of the Code, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

**Section 5:** Until expiration of the Interim Development Ordinance created by Sections 1, 2 and 3 hereof, ~~no building permits~~ no application for a building permit or development approval shall be granted pursuant to an application or request with a submittal date of April 1, 2005, or later.

**Section 6:** This Ordinance shall not be construed to ~~prohibit the issuance of a building permit or planning approval~~ prohibit application for, or the issuance of a building permit or development approval for any development or redevelopment that is not identified in Section 3 hereof and that is allowed pursuant to the Monroe County Land Development Regulations and the 2010 Plan.

**Section 7:** The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes ~~and the DCA is requested to review and approve it by immediate Final Order. S.120.569(2)(n), F.S.~~

#### Boundary Map

The boundary of the IDO is identified on Exhibit 1.

### Staff Recommendation

Staff recommends approval of the attached Interim Development Ordinance with the modifications as stated above, for the Tavernier Historic District Overlay; establishing the boundaries thereof; deferring the acceptance of development applications until design standards and guidelines are adopted; providing for exemptions; providing for an effective date; providing for transmittal to the department of Community Affairs (DCA); providing for expiration within six months after the effective date of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 or adoption of design standards and guidelines, whichever comes first.

Cc: Timothy J. McGarry, Director Growth Management  
K. Marlene Conaway, Director of Planning and Environmental Resources  
Kerry Willis, Esquire  
Elizabeth La Fleur, Director, Lower Keys Island Planning Team



**PLANNING COMMISSION RESOLUTION # P16-05**

**RESOLUTION NO. P-016-05**

**AN RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING ADOPTION OF AN INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST.**

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**WHEREAS**, the Monroe County Planning Commission, during a public hearing held on April 27, 2005, reviewed and considered the proposed Interim Development Ordinance; and

**WHEREAS**, the Board of County Commissioners at their meeting of February 16, 2005, adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan (referred to hereafter as the 2010 Plan); and

**WHEREAS**, the 2010 Comprehensive Plan, Goal 101 requires Monroe County to manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)(b)1]; and

**WHEREAS**, the 2010 Plan Objective 101.20 identifies the Livable CommuniKeys Planning Program as a planning program designed to address community needs while balancing the needs of all of Monroe County; and

**WHEREAS**, The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) is the product of the Livable CommuniKeys program as outlined in the 2010 Plan Objective 101.20; and

**WHEREAS**, the Tavernier Historic Overlay District is a unique historic resource as identified in the Master Plan; and

**WHEREAS**, GAI consultants completed an architectural survey of all unincorporated areas of Monroe County and completed an evaluation of sites and structures for designation in the National Register of Historic Places and or Monroe County Landmarks; and

**WHEREAS**, the survey identified fifty-three properties within the Tavernier Historic District as being eligible for national historic designation, eight of the identified properties are designated as Monroe county landmarks and seventeen are listed as Monroe County Historic Landmarks; and

**WHEREAS**, GAI consultants recommended that Tavernier be nominated as a district on the National Register of Historic Places; and

**WHEREAS**, each individual historic site and or structure is important and together they contribute to making the Tavernier Historic District Overlay a significant county resource; and

**WHEREAS**, Action Item 4.3.5 in the adopted Master Plan requires that design standards be prepared and that any new development or redevelopment within the designated Tavernier Historic District Overlay be consistent with design standards and in compliance with regulatory controls; and

**WHEREAS**, historic architecture design standards and design guidelines for historic structures, contributing structures and non-contributing structures all together can support, enhance and preserve the character of the historic district; and

**WHEREAS**, Action Item 4.3.6 in the adopted Master Plan directs the County to enact a temporary moratorium on development within the Tavernier Historic District Overlay until the design standards are adopted or six months after the effective date of the Master Plan, whichever comes first; and

**WHEREAS**, the County has committed necessary staff and resources to the development of the historic district design standards in order to facilitate diligent and good faith efforts to establish policies and regulations within a reasonable period of time; and

**WHEREAS**, the Board of County Commissioners, in anticipation of the adoption of the Master Plan, voted to Contract with HDR Consultants to prepare the historic district design standards and implementation measures including Land Development Regulations at their meeting of January 19, 2005; and

**WHEREAS**, the utilization of the moratorium device as a temporary measure to facilitate government decision making, study and adoption of land development regulations is a legitimate governmental tool to facilitate logical and considered growth and as a means of avoiding inefficient and ill-conceived development; and,

**WHEREAS**, the County finds that it is necessary to enact an Interim Development Ordinance deferring the approval of development applications within the designated Tavernier Historic District Overlay so the County can prepare design guidelines; and,

**WHEREAS**, the purpose this Interim Development Ordinance provides mechanisms to assure democratic discussions and participation by citizens, developers, and property owners who may be affected by eventual amendments to the Land Development Regulations; and

**WHEREAS**, Chapter 125 F.S., authorizes the Board of County Commissioners to adopt ordinances to provide standards protecting against imminent and immediate threat to the health, safety, and welfare of the citizens of Monroe County; and

**WHEREAS**, this Interim Ordinance constitutes a valid exercise of the County's police power and is otherwise consistent with Section 163.3161, *et seq.*, F.S., which, *inter alia*, encourages the use of innovative land development regulations including provisions like moratoria to implement the adopted comprehensive plan; and

**WHEREAS**, following the direction of the Board of County Commissioners in the adopted Tavernier Creek to MM 97 Master Plan, the Growth Management Division staff immediately undertook the development of this Interim Development Ordinance and began working with the consultants HDR, Inc on development of historic design standards for the Tavernier Historic Overlay District; and

**WHEREAS**, the Planning Commission after hearing public comments and staff input, finds that the proposed Interim Development Ordinance is consistent with and furthers the goals and objectives of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 and the Monroe County Year 2010 Comprehensive Plan; and

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following Interim Development Ordinance:

**Section 1.** Pursuant to the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 adopted by the Board of County Commissioners on February 16, 2005, the Interim Development Ordinance shall apply to the Tavernier Historic Overlay District, the boundaries of which are described on the map, attached hereto as Exhibit 1, and hereby is made part of this ordinance.

**Section 2.** Pursuant to its lawful authority and the pending legislation doctrine as set forth in Smith v. City of Clearwater, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation within six months of the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 or whenever the land development regulations and design standards and guidelines become effective, whichever comes first.

**Section 3:** During the period that this interim ordinance is in effect, no application for a building permit or development approval shall be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

**Section 4:** The following are exempt from this ordinance:

1. Interior remodeling.
2. The Director of Planning may authorize the relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
3. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements.

4. Public buildings as defined in Section 9.5-4 (P-18) of the Code, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

**Section 5:** Until expiration of the Interim Development Ordinance created by Sections 1, 2 and 3 hereof, no application for a building permit or development approval shall be granted pursuant to an application or request with a submittal date of April 1, 2005, or later.

**Section 6:** Any application for a building permit or development approval with a submittal date of March 31, 2005 or earlier shall be exempt from this Interim Development Ordinance.

**Section 7:** As of the effective date of the this ordinance, no application for a building permit or development approval meeting the criteria in Section 3 hereof, shall be accepted or processed by the Growth Management Division, except applications exempt hereunder and development awarded a vested rights determination pursuant to Section 9 hereof.

**Section 8:** This Ordinance shall not be construed to prohibit application for, or the issuance of a building permit or development approval for any development or redevelopment that is not identified in Section 3 hereof and that is allowed pursuant to the Monroe County Land Development Regulations and the 2010 Plan.

**Section 9:** Any property owner adversely affected by the provisions of this Interim Development Ordinance may seek a determination that the owner's proposed development or redevelopment is vested against the provisions of this Interim Development Ordinance, by filing with the Director of Growth Management, together with an administrative fee in the amount of \$400, a vested rights application setting forth facts establishing the applicant met, prior to the date that this Ordinance is adopted by the Board of Monroe County Commissioners, the vested rights standards set forth in Section 9.5-181, Monroe County code. Such application must be filed no later than sixty (60) days after the effective date of this ordinance.

**Section 10:** The County Administrator is directed to have the Growth Management Division begin immediately preparing the draft text amendments and other supporting studies in cooperation with the Planning Commission to develop design standards and regulatory controls for development, remodeling or redevelopment within the designated Tavernier Historic District.

**Section 11:** In preparing these amendments, the County Administrator is directed to focus the Growth Management Division's efforts in the following important areas: 1) preparation of design standards and regulatory controls to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys and that address local

community needs while balancing the needs of all Monroe County Communities; 2) identification of regulatory amendments and strategies to ensure that the goals and objectives of the 2010 Plan and the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 are properly implemented.

**Section 12:** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 13:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 14:** The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes and the DCA is requested to review and approve it by immediate Final Order. S.120.569(2)(n), F.S.

**Section 15:** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

**Section 16:** This Ordinance shall stand repealed as of the adoption of design standards and design guidelines for the Tavernier Creek Historic district, or six months after the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97, whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

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**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida at a regular meeting held on the 27<sup>th</sup> day of April 2005.

Chair Lynn C. Mapes	<u>Yes</u>
Vice Chair Denise Werling	<u>Yes</u>
Commissioner Jiulio Margalli	<u>Yes</u>
Commissioner James C. Cameron	<u>No</u>
Commissioner Randy Wall	<u>Absent</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Lynn Mapes, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**DEVELOPMENT REVIEW COMMITTEE  
RESOLUTION #D6-05**





**DRC RESOLUTION NO. D6-05**

**A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE MONROE COUNTY PLANNING COMMISSION OF THE ADOPTION OF AN INTERIM DEVELOPMENT ORDINANCE FOR THE TAVERNIER HISTORIC DISTRICT OVERLAY; ESTABLISHING THE BOUNDARIES THEREOF; DEFERRING THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS UNTIL DESIGN STANDARDS AND GUIDELINES ARE ADOPTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA); PROVIDING FOR EXPIRATION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 OR ADOPTION OF DESIGN STANDARDS AND GUIDELINES, WHICHEVER COMES FIRST.**

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**WHEREAS**, the Board of County Commissioners at their meeting of February 16, 2005, adopted the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan (referred to hereafter as the 2010 Plan); and

**WHEREAS**, GAI consultants completed an architectural survey of all unincorporated areas of Monroe County and completed an evaluation of sites and structures for designation in the National Register of Historic Places and or Monroe County Landmarks; and

**WHEREAS**, the survey identified fifty-three properties within the Tavernier Historic District as being eligible for national historic designation, eight of the identified properties are designated as Monroe county landmarks and seventeen are listed as Monroe County Historic Landmarks; and

**WHEREAS**, Action Item 4.3.5 in the adopted Master Plan requires that design standards be prepared and that any new development or redevelopment within the designated Tavernier Historic District Overlay be consistent with design standards and in compliance with regulatory controls; and

**WHEREAS**, historic architecture design standards and design guidelines for historic structures, contributing structures and non-contributing structures all together can support, enhance and preserve the character of the historic district; and

**WHEREAS**, Action Item 4.3.6 in the adopted Master Plan directs the County to enact a temporary moratorium on development within the Tavernier Historic District Overlay until the design standards are adopted or six months after the effective date of the Master Plan, whichever comes first; and

**WHEREAS**, the County finds that it is necessary to enact an Interim Development Ordinance deferring the approval of development applications within the designated Tavernier Historic District Overlay so the County can prepare design guidelines; and

**WHEREAS**, the purpose this Interim Development Ordinance provides mechanisms to assure democratic discussions and participation by citizens, developers, and property owners who may be affected by eventual amendments to the Land Development Regulations; and

**WHEREAS**, Chapter 125 F.S., authorizes the Board of County Commissioners to adopt ordinances to provide standards protecting against imminent and immediate threat to the health, safety, and welfare of the citizens of Monroe County; and

**WHEREAS**, this Interim Ordinance constitutes a valid exercise of the County's police power and is otherwise consistent with Section 163.3161, *et seq.*, F.S., which, *inter alia*, encourages the use of innovative land development regulations including provisions like moratoria to implement the adopted comprehensive plan;

**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on March 24, 2005, conducted a review and consideration of the request filed by the Monroe County Planning Department to recommend approval to the Monroe County Planning Commission of the Interim Development Ordinance.

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, to recommend **APPROVAL** to the Monroe County Planning Commission of the following as requested by the Monroe County Planning Department:

**Section 1.** Pursuant to the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 adopted by the Board of County Commissioners on February 16, 2005, the Interim Development Ordinance shall apply to the Tavernier Historic Overlay District, the boundaries of which are described on the map, attached hereto as Exhibit 1, and hereby is made part of this ordinance.

**Section 2.** Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2d DCA, 1980) the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the expiration of this legislation within six months of the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 or whenever the land development regulations

and design standards and guidelines become effective, whichever comes first.

**Section 3:** During the period that this interim ordinance is in effect, no building permit or development approval shall be granted for any new development, remodeling or redevelopment within the designated Tavernier Historic Overlay District (Exhibit 1).

**Section 4:** The following are exempt from this ordinance:

1. Interior remodeling.
2. The relocation of historic structures designated by Monroe County or identified by "The Final Report Historic Architectural Survey of unincorporated Areas of Monroe County Florida (2003)" prepared by GAI Consultants Inc.
3. The relocation of historic structures identified as a candidate for local historic designation by the Historic Preservation Commission.
4. Development under an approved conditional use permit, repair and/or approvals required for life/safety improvements.
5. Public buildings as defined in Section 9.5-4 (P-18) of the Code, subject to review and approval of building design by the Planning Commission, based on the draft architectural design standards and design guidelines prepared for the county by HDR consultants.

**Section 5:** Until expiration of the Interim Development Ordinance created by Sections 1, 2 and 3 hereof, no building permits or development approval shall be granted pursuant to an application or request with a submittal date of April 1, 2005, or later.

**Section 6:** Any application for a building permit or development approval with a submittal date of March 31, 2005 or earlier shall be exempt from this Interim Development Ordinance.

**Section 7:** As of the effective date of the this ordinance, no application for a building permit or development approval meeting the criteria in Section 3 hereof, shall be accepted or processed by the Growth Management Division, except applications exempt hereunder and development awarded a vested rights determination pursuant to Section 9 hereof.

**Section 8:** This Ordinance shall not be construed to prohibit the issuance of a building permit or planning approval for any development or redevelopment that is not identified in Section 3 hereof and that is allowed pursuant to the Monroe County Land Development Regulations and the 2010 Plan.

**Section 9:** Any property owner adversely affected by the provisions of this Interim Development Ordinance may seek a determination that the owner's proposed development or redevelopment is vested against the provisions of this Interim

Development Ordinance, by filing with the Director of Growth Management, together with an administrative fee in the amount of \$400, a vested rights application setting forth facts establishing the applicant met, prior to the date that this Ordinance is adopted by the Board of Monroe County Commissioners, the vested rights standards set forth in Section 9.5-181, Monroe County code. Such application must be filed no later than sixty (60) days after the effective date of this ordinance.

**Section 10:** The County Administrator is directed to have the Growth Management Division begin immediately preparing the draft text amendments and other supporting studies in cooperation with the Planning Commission to develop design standards and regulatory controls for development, remodeling or redevelopment within the designated Tavernier Historic District.

**Section 11:** In preparing these amendments, the County Administrator is directed to focus the Growth Management Division's efforts in the following important areas: 1) preparation of design standards and regulatory controls to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys and that address local community needs while balancing the needs of all Monroe County Communities; 2) identification of regulatory amendments and strategies to ensure that the goals and objectives of the 2010 Plan and the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97 are properly implemented.

**Section 12:** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 13:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 14:** The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

**Section 15:** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

**Section 16:** This Ordinance shall stand repealed as of the adoption of design standards and design guidelines for the Tavernier Creek Historic district, or six months after the effective date of the Livable CommuniKeys Master Plan Tavernier Creek to Mile Marker 97, whichever comes first, unless repealed sooner or extended pursuant to the terms set forth herein.

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**PASSED AND ADOPTED** By the Development Review committee of Monroe County, Florida at a regular meeting held on the 24<sup>th</sup> day of March, 2005.

Aref Joulani, Sr. Administrator, Development Review and Design	<u>YES</u>
David A. Dacquisto, Director, Island Planning Team	<u>YES</u>
Elizabeth LaFleur, Director, Island Planning Team	<u>YES</u>
Thomas Williams, Planner	<u>YES</u>
Heather Beckmann	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

BY

\_\_\_\_\_

Aref Joulani, DRC Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005